

SUPPORT FOR THE AMENDMENTS

Applicant has canceled Claims 1-20 and added new Claims 21-30. Support for new Claims 21-30 can be found on pages 20-21, of the specification, as filed.

No new matter has been added. Claims 21-30 are active in this application.

REMARKS/ARGUMENTS

Present Claims 21-25 relate to methods for treating or preventing cancer in a HLA-A26 positive patient, which comprises administering an effective amount of a peptide as set forth in any one of SEQ ID NOs: 2, 8 and 9 to a HLA-A26 positive patient.

Present Claims 26-30 relate to methods for inducing CTL that specifically recognize a complex of an HLA-A26 antigen and a peptide as set forth in any one of SEQ ID NOs: 2, 8 and 9, which comprises contacting peripheral blood mononuclear cells derived from an HLA-A26 positive subject with the peptide.

The inventors have discovered that the presently claimed methods are effective for treating or preventing cancer in HLA-A26 positive patients and for inducing CTL that specifically recognize a complex of an HLA-A26 antigen and a peptide as set forth in any one of SEQ ID NOs: 2, 8 and 9. The cited references contain no disclosure or suggestion of the presently claimed methods. Accordingly, these references cannot affect the patentability of the present claims.

The rejection of Claims 1 and 11-13 under 35 U.S.C. § 120(b) in view of WO 00/26249; the rejection of Claim 1 under 35 U.S.C. § 120(b) in view of Sugiyama et al.; the rejection of Claims 1-3 and 11-13 under 35 U.S.C. § 120(b) in view of WO 03/037060; and the rejection of Claims 1 and 11-13 under 35 U.S.C. § 120(b) in view of Gaiger et al. have been obviated by amendment. As the Examiner will note, Claim 1-3 and 11-13 have been canceled. Accordingly, the rejections should be withdrawn.

In addition, none of the cited references disclose or even suggest that the peptides recited in the present claims can induce CTL in an HLA-A26 restricted manner and therefore, new Claims 21-30 are novel over the cited references.

Even if Gaiger et al. discloses the peptides recited in the present claims, this reference does not exemplified the effect of the disclosed peptides. Indeed, this reference only provides the ability of the peptides to elicit CTL immunity estimated by using a computer program and does not provide any wet examples. In addition, Gaiger et al. is silent about the effect of the peptides on an HLA-A26 positive patient.

In addition, Applicant is submitting with the Information Disclosure Statement filed herewith a copy of Konya et al., Journal of General Virology, vol. 78, pp. 2615-2620 (1997). The column bridging pages 2618-2619, especially, table 2, of Konya et al. discloses that even a single residue change can be deleterious for CTL recognition. Thus, one of skill in the art would not have expected that the peptides disclosed in Gaiger et al. might be useful in the presently claimed methods, and therefore, the present claims are not obvious in view of the cited references.

The rejection of Claims 1-3 under 35 U.S.C. § 101 has been obviated by amendment. As noted above, Claims 1-3 have been canceled. Applicant submits that new Claims 21-30 are directed to methods for treating or preventing cancer and methods for inducing CTL and, therefore, are directed to statutory subject matter.

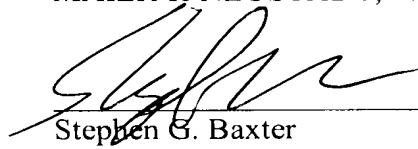
The objection to the specification has also been obviated by amendment. As the Examiner will note, pages 30 and 37 have been amended such that they are free of the criticisms outlined on page 2 of the Office Action. Accordingly, the objection should be withdrawn.

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Applicant submits that the present application is now in condition for allowance, and early notification of such action is earnestly solicited.

Respectfully submitted,

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